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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 03-10367-MEL
)	
JAMES T. RICHARDS,)	

**GOVERNMENT'S MOTION FOR HEARING TO DETERMINE
THE MENTAL COMPETENCY OF THE DEFENDANT**

The United States of America, through its undersigned counsel, hereby moves pursuant to 18 U.S.C. § 4241(a) for a hearing to determine the competency of the above-named defendant; and further moves pursuant to 18 U.S.C. § 4247(b) that the defendant be committed to the custody of the Attorney General for placement in a suitable facility for a psychiatric or psychological examination.

As grounds therefore the Government states that:

1. There is reason to believe that the above-named defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him or to assist properly in his defense, within the meaning of 18 U.S.C. §4241(a).

2. The defendant has filed a hand-written *pro se* motion requesting an order allowing him to represent himself in this matter. The content of that pleading alone raises a question about the defendant's mental health. However, when combined with the information presented at the preliminary/detention hearing

regarding the defendant's history of mental health problems, the United States submits that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent.

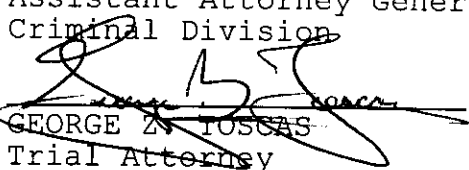
3. The defendant must be mentally competent to make the decision to appear *pro se*. Pursuant to Godinez v. Moran, 509 U.S. 389 (1993), the competency standard for waiving counsel is the same as the standard for standing trial.

4. The United States seeks leave to supplement this written motion with other information that may bear upon the defendant's mental competency.

Respectfully submitted,

CHRISTOPHER A. WRAY
Assistant Attorney General
Criminal Division

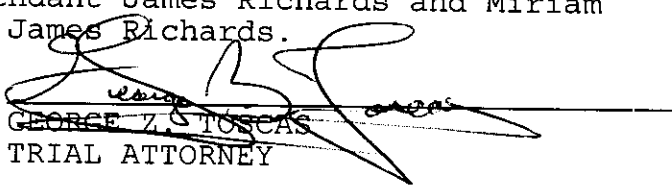
By:


GEORGE Z. TOSSAS
Trial Attorney
United States Department of Justice
(202) 616-0727

March 23, 2004

CERTIFICATE OF SERVICE

I hereby certify that today I served the foregoing by hand-delivering a true copy to defendant James Richards and Miriam Conrad, counsel for defendant James Richards.


GEORGE Z. TOSSAS
TRIAL ATTORNEY

March 23, 2004